SCHWEGMAN □ LUNDBERG □ WOESSNER □ KLUTH

United States Patent Application combined declaration and power of attorney

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>THERMAL INTERMEDIATE APPARATUS</u>, SYSTEMS, AND METHODS.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

•					
Aldous, Alan	Reg. No. 31,905	Greenberg, Robert A.	Reg. No. 44,133	Perdok, Monique M.	Reg. No. 42,989
Anderson, Robert D.	Reg. No. 33,826	Greenwald, Bradley A.	Reg. No. 34,341	Peret, Andrew R.	Reg. No. 41,246
Anglin, J. Michael	Reg. No. 24,916	Harris, Robert J.	Reg. No. 37,346	Peterson, David C.	Reg. No. 47,857
Arora, Suneel	Reg. No. 42,267	Hope, Libby	Reg. No. 46,774	Plimier, Michael D.	Reg. No. 43,004
Bacon, Shireen	Reg. No. 40,494	Huter, Jeffrey B.	Reg. No. 41,086	Proksch, Michael A.	Reg. No. 43,021
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Cochran, David R.	Reg. No. 46,632	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Cool, Kenneth J.	Reg. No. 40,570	Mehrle, Joseph P.	Reg. No. 45,535	Tran, David	Reg. No. 50,804
Crawford, Ted A.	Reg. No. 50,610	Mennemeier, Larry	Reg. No. 51,003	Travis, John F.	Reg. No. 43,203
Dahl, John M.	Reg. No. 44,639	Muller, Mark V.	Reg. No. 37,509	Viksnins, Ann S.	Reg. No. 37,748
DeLizio, Andrew	Reg. No. 52,806	Nagy, Paul	Reg. No. 37,896	Wawrzyn, Robert	Reg. No. 54,654
Diehl, Robert	Reg. No. 40,992	Nama, Prakash	Reg. No. 44,255	Wells, Calvin	Reg. No. 43,256
Draeger, Jeffrey S.	Reg. No. 41,000	Nelson, A. James	Reg. No. 28,650	Whittington, Stuart	Reg. No. 45,215
Drake, Eduardo E.	Reg. No. 40,594	Nesheiwat, Michael J.	Reg. No. 47,819	Willardson, Michael	Reg. No. 50,856
Embretson, Janet E.	Reg. No. 39,665	Nicholls, Dennis A.	Reg. No. 42,036	Winkle, Robert G.	Reg. No. 37,474
Faatz, Cindy	Reg. No. 39,973	Nielsen, Walter W.	Reg. No. 25,539	Wisor, Rita	Reg. No. 41,382
Forrest, Bradley A.	Reg. No. 30,837	Padys, Danny J.	Reg. No. 35,635	Woessner, Warren D.	Reg. No. 30,440
Gagne, Christopher	Reg. No. 36,142	Parker, Lanny	Reg. No. 44,281	Wong, Sharon	Reg. No. 37,760
Gorrie, Gregory J.	Reg. No. 36,530	Parker, J. K.	Reg. No. 33,024	Yates, Steven D.	Reg. No. 42,242
Greaves, John N.	Reg. No. 40,362	Peacock, Gregg A.	Reg. No. 45,001	.,	0:

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor	number	1:	Brya
Citizenship:	U	nite	d States

in M. White United States of America

715 Maner Ter

Residence: Smyrna, GA

Post Office Address:

Smyrna, GA 30080

X Additional inventors are being named on separately numbered sheets, attached hereto.

Date:

Pleasanton, CA 94566

C. Michael Garner

Signature:

- § 1.56 Duty to disclose information material to patentability.
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney Docket No.884.864US

P. 10/13

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>THERMAL INTERMEDIATE APPARATUS</u>, <u>SYSTEMS</u>, <u>AND METHODS</u>.

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No such claim for priority is being made at this time.

Attorney Docket No.: 884.864US1 Serial No. not assigned Filing Date: not assigned

Page 2 of

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Aldous, Alan Anderson, Robert D. Anglin, J. Michael Arora, Suneel Bacon, Shireen Barre, Michael Beale, Jay P. Beekman, Marvin L. Bianchi, Timothy E. Billion, Richard E. Black, David W. Brake, Edward Brennan, Thomas F. Burge, Ben Chadwick, Robin A. Chang, Robert H. Chen, George Choi, Glen Clark, Barbara J. Clise, Timothy B. Cochran, David R. Cool, Kenneth J. Crawford, Ted A. Dahl, John M. DeLizio, Andrew Diehl, Robert Draeger, Jeffrey S. Drake, Edwardo E. Embretson, Janet E. Faatz, Cindy Forrest, Bradley A. Gagne, Christopher Gorrie, Gregory J. Greaves, John N.	Reg. No. 31,905 Reg. No. 33,826 Reg. No. 24,916 Reg. No. 42,267 Reg. No. 40,494 Reg. No. 44,023 Reg. No. 50,901 Reg. No. 39,610 Reg. No. 39,610 Reg. No. 39,610 Reg. No. 32,836 Reg. No. 32,836 Reg. No. 37,784 Reg. No. 37,784 Reg. No. 37,784 Reg. No. 35,075 Reg. No. 42,372 Reg. No. 42,372 Reg. No. 42,372 Reg. No. 43,546 Reg. No. 50,807 Reg. No. 43,546 Reg. No. 38,107 Reg. No. 40,570 Reg. No. 40,570 Reg. No. 40,570 Reg. No. 40,570 Reg. No. 50,610 Rcg. No. 50,610 Rcg. No. 40,570 Reg. No. 40,570 Reg. No. 40,570 Reg. No. 50,610 Rcg. No. 40,570 Reg. No. 50,610 Rcg. No. 40,570 Reg. No. 39,665 Reg. No. 39,973 Reg. No. 39,965 Reg. No. 39,973 Reg. No. 36,530 Reg. No. 40,362	Greenberg, Robert A. Greenwald, Bradley A. Harris, Robert J. Hope, Libby Huter, Jeffrey B. Jackson Huebsch, Katharing A. Jurkovich, Patti J. Kalis, Janal M. Kalson, Seth Klima-Silberg, Catherine I. Kluth, Daniel J. Lacy, Rodney L. Lam, Peter Lin, Issae Lundberg, Steven W. Maki, Peter C. Malen, Peter L. Martinez, Anthony Mates, Robert E. McCall, Molly McCrackin, Ann M. Mehrle, Joseph P. Mennemeier, Larry Muller, Mark V. Nagy, Paul Nama, Prakash Nelson, A. James Nesheiwat, Michael J. Nicholls, Dennis A. Nicisen, Walter W. Padys, Darny J. Parker, Lanny Parker, J. K. Peacock, Gregg A.	Reg. No. 44,133 Reg. No. 34,341 Rog. No. 37,346 Reg. No. 46,774 Reg. No. 41,086 Reg. No. 47,670 Reg. No. 44,813 Reg. No. 40,670 Reg. No. 40,670 Reg. No. 40,670 Reg. No. 40,670 Reg. No. 32,146 Reg. No. 32,146 Reg. No. 50,672 Reg. No. 50,672 Reg. No. 50,672 Reg. No. 44,832 Reg. No. 42,832 Reg. No. 42,832 Reg. No. 42,832 Reg. No. 44,223 Reg. No. 44,223 Reg. No. 44,223 Reg. No. 45,535 Reg. No. 45,535 Reg. No. 45,535 Reg. No. 37,509 Reg. No. 47,819 Reg. No. 42,256 Reg. No. 47,819 Reg. No. 42,236 Reg. No. 44,231 Reg. No. 33,623 Reg. No. 33,623 Reg. No. 33,623 Reg. No. 33,024 Reg. No. 33,024 Reg. No. 33,024 Reg. No. 33,024 Reg. No. 345,001	Perdok, Monique M. Peret, Andrew R. Peterson, David C. Plimier, Michael D. Proksch, Michael A. Prout, William F. Reif, Kevin A. Sayles, Crystal D. Schumm, Sherry W. Schwegman, Michael L. Scott, Russell Seddon, Ken Seeley, Mark Shah, Ami P. Simon, David Skabrat, Steve Speier, Gary J. Steffey, Charles E. Steiner, Paul E. Stutman-Horn, Joni D. Tong, Viet V. Tran, David Travis, John F. Viksnins, Ann S. Wawrzyn, Robert Wells, Calvin Whittington, Stuart Willardson, Michael Winkle, Robert G. Wisor, Rita Woessner, Warren D. Wong, Sharon Yates, Steven D.	Rog. No. 42,989 Reg. No. 41,246 Reg. No. 47,857 Reg. No. 43,004 Reg. No. 33,095 Reg. No. 36,381 Reg. No. 36,381 Reg. No. 39,422 Reg. No. 25,816 Reg. No. 43,103 Reg. No. 43,103 Reg. No. 43,105 Reg. No. 43,105 Reg. No. 32,299 Reg. No. 32,299 Reg. No. 32,299 Reg. No. 32,756 Reg. No. 36,279 Reg. No. 36,279 Reg. No. 45,458 Reg. No. 25,179 Reg. No. 45,458 Reg. No. 45,456 Reg. No. 43,203 Reg. No. 43,203 Reg. No. 43,256 Reg. No. 43,256 Reg. No. 43,256 Reg. No. 45,215 Reg. No. 45,215 Reg. No. 50,856 Reg. No. 37,444 Reg. No. 37,474 Reg. No. 37,474 Reg. No. 30,440 Reg. No. 37,760 Reg. No. 37,760 Reg. No. 42,242
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignce/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402

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- with the same of	various of the application of any pate.	nt issued thereon.	
Full Name of joint inventor nu Citizenship: Post Office Address:	mber 1: <u>Brvan M. White</u> United States of America 715 Maner Ter Smyrna, GA 30080	Residence: Smyrna, GA	

Signature: Bryan M. Wh.	ite	Date:	
Bryan W. W.	ite_		

C. Michael Garner

Signature:

TO

Date:

Attorney Docket No.: 884,864US1 Page 3 of Serial No. not assigned Filing Date: not assigned Full Name of joint inventor number 2: Paul A. Koning Citizenship: United States of America Residence: Chandler, AZ Post Office Address: 722 West Raven Drive Chandler, AZ 85248 Recomber 18,2003 Full Name of joint inventor number 3: Yuegang Zhang Citizenship: China Residence: Cupertino, CA Post Office Address: 7974 Woodlark Way Cupertino, CA 95014 Signature: _ Date: Yuegang Zhang Full Name of joint inventor number 4: C. Michael Garner Citizenship: United States of America Residence: Pleasanton, CA Post Office Address: 2781 Camino Casa Buena Pleasanton, CA 94566

TO

Attorney Docket No.: 884.864US1 Serial No. not assigned Filing Date: not assigned

Page 4 of 4

§ 1.56 Duty to disclose information material to patentability.

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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

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Choi, Glen	Reg. No. 43,546	Martinez, Anthony	Reg. No. 44,223	Stoffey, Charles E.	Reg. No. 25,179
Clark, Barbara J.	Reg. No. 38,107	Mates, Robert B.	Reg. No. 35,271	Steiner, Paul E.	Reg. No. 41,326
Clise, Timothy B.	Reg. No. 40,957	McCall, Molly	Reg. No. 46,126	Statman-Horn, Joni D.	Reg. No. 42,173
Cochran, David R.	Reg. No. 46,632	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Cool, Kenneth J.	Reg. No. 40,570	Mehrle, Joseph P.	Reg. No. 45,535	Tran, David	Reg. No. 50,804
Crawford, Ted A.	Reg. No. 50,610	Mennemeier, Larry	Rog. No. 51,003	Travis, John F.	Reg. No. 43,203
Dahl, John M.	Reg. No. 44,639	Muller, Mark V.	Reg. No. 37,509	Viksnins, Ann S.	Reg. No. 37,748
DeLizio, Andrew	Reg. No. 52,806	Nagy, Paul	Reg. No. 37,896	Wawizyn, Robert	Reg. No. 54,654
Diehl, Robert	Reg. No. 40,992	Nama, Prakash	Reg. No. 44,255	Wells, Calvin	Reg. No. 43,256
Draeger, Jeffrey S.	Reg. No. 41,000	Nelson, A. James	Reg. No. 28,650	Whittington, Stuart	Reg. No. 45,215
Drake, Eduardo E.	Reg. No. 40,594	Nesheiwat, Michael J.	Reg. No. 47,819	Willardson, Michael	Reg. No. 50,856
Embretson, Janet E.	Reg. No. 39,665	Nicholls, Dennis A.	Reg. No. 42,036	Winkle, Robert G.	Reg. No. 37,474
Faatz, Cindy	Reg. No. 39,973	Nielsen, Walter W.	Reg. No. 25,539	Wisor, Rita	Reg. No. 41,382
Forrest, Bradley A.	Reg. No. 30,837	Padys, Danny J.	Reg. No. 35,635	Woessner, Warren D.	Reg. No. 30,440
Gagne, Christopher	Reg. No. 36,142	Parker, Lanny	Reg. No. 44,281	Wong, Sharon	Reg. No. 37,760
Gorric, Gregory J.	Reg. No. 36,530	Parker, J. K.	Reg. No. 33,024	Yates, Steven D.	Reg. No. 42,242
Greaves, John N.	Reg. No. 40,362	Peacock, Gregg A.	Reg. No. 45,001		emperior rapida

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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X Additional inventors are being named on separately numbered sheets, attached hereto.

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Signature: YM	Cancer Yuegang Zilang	Date: 12/19/2003
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Signature:		Date:
C	. Michael Garner	

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§ 1.56 Duty to disclose information material to patentability.

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are;
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.